

### **REMARKS**

The foregoing amendments and the following remarks are in response to the Final Office Action dated January 22, 2009 and the Notice of Non-Compliant Amendment dated August 24, 2009 (hereinafter "Office Action"), which was received after filing an initial response on May 19, 2009.

The initial response filed on May 19, 2009 included a Request for Continued Examination ("RCE") and a request for extension of time, for which Applicant was already charged by the USPTO. The Notice of Non-Compliant Amendment did not indicate that either the RCE or the request for extension of time were noncompliant or otherwise deficient. Further, the Notice of Non-Compliant Amendment indicated that Applicant was "given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS from the mailing date of this notice." Notice of Non-Compliant Amendment, p. 7. Accordingly, this response is timely filed and without a further RCE or request for extension of time. Nevertheless, in the event that a RCE or a request for extension of time is deemed necessary, Applicants herewith petition the USPTO for the same and authorize charges in connection therewith to be charged to Deposit Account No. 500951.

#### **I. Teleconference with Examiner**

The undersigned counsel thanks Examiner Michael Safavi, for the teleconference courteously granted on August 28, 2009 and for issuing the Interview Summary dated September 3, 2009. The undersigned counsel initiated the teleconference to seek clarity as to why the previous response was considered non-compliant. In addition to the reasons set forth in the Interview Summary, Examiner Michael Safavi explained that the substitute specification that was submitted with the initial response created confusion. Examiner Michael Safavi further explained that the instructions in the initial response that identified the paragraphs of the specification to be replaced with reference to the paragraphs of the published application were improper. Finally, Examiner Michael Safavi indicated that labeling each drawing sheet with a number of drawing sheets is a requirement of 37 C.F.R. § 1.84(t).

The undersigned counsel apologized for any confusion and noted that the substitute specification was submitted due to the numerous amendments to the specification and so that the Examiner would have a copy of the amended specification without amendment markings {WP612888;1}

to read and review during examination. To the extent an interview statement is required, the entirety of this submission is believed to provide a complete statement under 37 C.F.R. §1.133. See M.P.E.P. §713.01.

## **II. Summary of Office Action**

At the time of the Office Action, claims 8-13, 15 and 16 were pending. In the Office Action, all claims were rejected under 35 U.S.C. §112, second paragraph and the drawings were rejected. No rejections based on prior art were raised. The rejections and responses thereto are set forth below.

## **III. Drawing Rejection and Response Thereto**

The drawings were rejected for not illustrating the previously claimed “reading head.” Although the amendments herein have deleted the previously claimed “reading head,” Applicants herewith provide an amended drawing of Figure 1 to illustrate the “identification labels 240” and the “identification label reading head (320).” The drawings are labeled as a Replacement Sheets. As explained further below, no new matter has been added. Withdrawal of the rejection is respectfully requested.

## **IV. Amendments to the Claims and Specification**

Applicants herewith include amendments to the specification and claims to enhance the readability of both in view of the fact that this application was translated from its French language priority application. For instance, the phrase “reading head” that was set forth in original paragraph [00046] of the application, has been reworded as “identification label reading head,” and the phrases “moving distribution head” and “mobile head” have been revised to “mobile distribution head” to have consistency between the specification and the claims. Paragraph [00046], with the amendment markings entered herein, is set forth below.

[00046] The number of cartridges 200 as well as the number of distribution tubes 310 complicate the orientation of the mobile distribution head 300. Therefore, the ~~applicant has advantageously imagined that the~~ cartridges 200 can be each equipped with a ~~specific~~ an identification label 240 with means of identification cooperating with one or more ~~reading heads~~ identification label reading heads 320 associated to the ~~said mobile~~ distribution head 300 so that the mobile distribution head 300 can position the end of the correct distribution tube 310 coaxially to the outlet orifice 230 of the correct cartridge 200. Consequently, the cartridges 200 may be stored in any order in the device D, as the ~~reading head~~ identification label reading heads 320 associated to the mobile distribution

head 300 permits the mobile distribution head 300 to move into the correct position and use the correct distribution tube 310.

In addition to the entirety of the specification, Applicants respectfully submit that the above paragraph, prior to amendment, provides support for the amendments to recite “identification label reading head 320” and the “mobile distribution head 300.” For instance, paragraph [00046] originally read that “the cartridges 200 be each equipped with a *specific label with means of identification* cooperating with *one or more reading heads associated to the said distribution head 300*.” The phrase *specific label with means of identification* provides support for the amendment to “identification labels 240.” Likewise, the phrase *one or more reading heads associated to the said distribution head 300* provides support for the amendment to “identification label reading head 320.” Accordingly, no new matter is added.

**V. Claim Rejections - Under 35 U.S.C. §112**

Claims 8-13, 15 and 16 were rejected under 35 U.S.C. §112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter. The Office Action asserted that the claims, with reference to the specification, were not clear as to what is being claimed. Appropriate amendments have been made and withdrawal of the rejections is respectfully requested.

**VI. No Claim Rejections Under 35 U.S.C. §§ 102(b) or 103(a)**

Although no rejections were set forth based on the prior art, Applicants respectfully assert that the previously cited references, namely, European Patent Application No. EP0618022 (“EP0618022”) and European Patent Application No. EP0995537 (“EP0995537”), fail to disclose, suggest, or render obvious all of the structure, and its arrangement, recited in the current claims. Neither of these references includes anything even related to an identification label reading head on a mobile distribution head that can position a particular distribution tube coaxial with a storage container containing a particular part that was identified with the identification label reading head. Such a device allows storage cartridges to be placed anywhere instead of only predetermined configurations as required by EP0618022 and EP0995537.

**VII. Conclusion**

All claims are believed to be allowable. The application is believed to be in condition  
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for immediate allowance. If any issues remain outstanding, Applicants invite the Examiner to call the undersigned if it is believed that a telephone interview would expedite the prosecution of the application to an allowance.

Respectfully submitted,

**AKERMAN SENTERFITT**

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